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**TELECOPIER TRANSMITTAL SHEET****DATE:** 04/25/03**NO. OF PAGES:** 7

<b>TO:</b>	<b>FAX NUMBER:</b>
Examiner Richard G. Hutson	703-746-5329
USPTO, Art Unit 1652	

**FROM:** Mark E. Freeman**RE:** 09/720,529 Examiner's Amendment**Original Document(s):** Will follow not by mail

❖ ☐ Please review and call request.    ❖ ☐ For your information.    ☐ Per your request.

**Message:**

Attached are a letter authorizing the suggested Examiner's amendments and copies of a Revocation of Power of Attorney, Power of Attorney and Authorization of Assignee filed in the USPTO on April 17, 2003.

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Docket No.: BB1118 A PCT (7560-90)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Rebecca E. Cahoon

Conf. No.: 2357

Application No.: 09/720,529

Filed: December 20, 2000

Group Art Unit: 1652

For: CHROMATIN ASSOCIATED PROTEINS

Examiner: Richard G. Hutson

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 746-5329, on the date shown below.

Dated: \_\_\_\_\_

Signature: \_\_\_\_\_ (Kathleen Lytle)

Examiner Richard G. Hutson  
United States Patent and Trademark Office  
Washington, D.C. 20231

By Facsimile April 25, 2003

Dear Examiner Hutson:

Thank you for speaking with me by telephone on April 23, 2003 and again today, and for suggesting amendments. We are pleased to authorize the amendments as detailed below to put the above-referenced application into condition for allowance. Enclosed is a copy of a Revocation of Power of Attorney, a Power of Attorney and the Authorization of Assignee filed in the USPTO on April 17, 2003.

To ensure that I have not misunderstood your suggestions, the following details both my understanding and the amendments authorized by this letter.

First, Claims 19, 20 and 21 are withdrawn without prejudice or disclaimer of the subject matter. The withdrawn claims are directed to a method for producing a plant, a plant comprising the claimed construct and a seed comprising the claimed construct, respectively. The Applicants

understand that they are free to claim this subject matter in a divisional or other continuing application.

Secondly, Claim 12 is to be amended as follows:


12. An isolated polynucleotide comprising:
- (a) a nucleotide sequence encoding a polypeptide having histone deacetylase activity, wherein the polypeptide has an amino acid sequence of at least 95% sequence identity, based upon the Clustal method of alignment with ~~multiple alignment default parameters of GAP PENALTY = 10 and GAP LENGTH PENALTY = 10, and pairwise alignment default parameters of~~ KTUPLE = 1, GAP PENALTY = 3, WINDOW = 5 and DIAGONALS SAVED = 5, when compared to SEQ ID NO:4, or
  - (b) a complement of the nucleotide sequence of (a), wherein the complement and the nucleotide sequence consist of the same number of nucleotides and are 100% complementary.

We also would ask the Examiner to amend the specification to correct an obvious error wherein at page 4, line 34, and at page 16, line 18, "KTUPLE 1" should read "KTUPLE = 1".

As I mentioned in our most recent telephone conversation, we have just discovered an inventorship error. A Request for Correction of Inventorship under 37 CFR 1.48(a) will be forthcoming, but we are willing to prosecute this change post-allowance, should it facilitate your efforts.

If I have misunderstood your suggested amendments or should you have questions about any of these issues, please contact me directly at (302) 888-6209. Again, thank you for your favorable consideration of this matter. We look forward to receiving notice of allowance.

Respectfully submitted,  
CONNOLLY BOVE LODGE & HUTZ, LLP

By   
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Attorneys for Applicant

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<b>REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT</b>	<b>Application</b>	09/720,529
	<b>Filing Date</b>	December 20, 2000
	<b>First Named Inventor</b>	Cahoon et al
	<b>Group Art Unit</b>	1653
	<b>Examiner Name</b>	Richard G. Hutson
	<b>Attorney Docket Number</b>	7560*90 (BB1118U SPCT)

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

☒ A Power of Attorney or Authorization of Agent is submitted herewith.

OR

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I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
 Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name	Miriam D. Meconnahey
Signature	<i>Miriam D. Meconnahey</i>
Date	10 April 2003

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ \*Total of \_\_\_\_\_ forms are submitted.

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AUTHORIZATION OF AGENT**

Application Number	09/720,529
Filing Date	December 20, 2000
First Named Inventor	Cahoon et al
Title	Chromatin Associated Proteins
Group Art Unit	1653
Examiner Name	Richard G. Hutson
Attorney Docket No.	7560*90 (BB1118USPCT)

I hereby appoint:

☐ Practitioners at Customer Number 

OR

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☒ Practitioner(s) named below:

Customer Number Bar Code

Name	Registration Number	Name	Registration Number
Lori Y. Beardsall	34,293	William E. McShane	32,707
Lynne M. Christenbury	30,971	Elliot C. Mendelson	42,878
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Liza D. Hohenschutz	33,712	Patricia Smink Rogowski	33,791
Zhun Lu	53,242	Mark E. Freeman	48,143
Robert G. McMorrow	30,962	Rudolf E. Hutz	22,387

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

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Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name Miriam D. McConnahey

Signature *Miriam D. McConnahey*

Date

10 April 2003

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. See below.

☐

Total of 1 forms are submitted.

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: E.I. du Pont de Nemours and CompanyApplication No./Patent No.: 09/720,529Filed/Issue Date: December 20, 2000Entitled: Chromatin Associated ProteinsE.I. du Pont de Nemours and  
Company

(Name of Assignee)

CORPORATIONType of Assignee, e.g., corporation, partnership, university, government  
agency, etc.

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or2. ☐ an assignee of less than the entire right, title and interest.The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %  
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[ ] Additional documents in the chain of title are listed on a supplemental sheet.

[ ] Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

10 April 2003  
DateMiriam D. Meconnahey  
Typed or printed nameMiriam D. Meconnahey  
SignatureAssistant Secretary - Patent Board  
Title

258069